

APPENDIX XLIV-A.

[See Note below Rule 613.]

REVISED LEAVE RULES, 1935.*†

1. These rules may be called the Revised Leave Rules, 1935.

2. Subject to the exceptions hereinafter contained, these rules shall apply (with retrospective effect where necessary from the commencement of service counting for leave) to all persons whose conditions of service the Government of Bombay are competent to prescribe :—

(i) who enter or have entered Government service, whether in a permanent or other capacity, on or after the 4th August 1931 ; or

(ii) who were in service whether in a permanent or other capacity on 3rd August 1931, if there is a break in their service after that date.

Exception 1.—Persons in respect of whom special provisions regarding leave have been made shall be governed by such special provisions.

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116. *Exception 2.*—These rules do not apply to persons who enter, on or after the 4th August 1931, the Central Subordinate services under the agency control of Government (with the exception of agency establishments in respect of which leave contribution is being recovered from the Central Government) whose leave will be governed by the Revised Leave Rules 1933, issued by the Central Government, as amended from time to time, such rules, subsidiary orders and the instructions, if any, issued thereunder, by the Central Government and the Auditor General of India, being treated as rules, orders or instructions, issued by the Government of Bombay.

Note 1.—For the purpose of these rules, the term “Government service” shall be deemed to include prior service under Local Funds administered by Government.

Note 2.—Except in the case of the permanent staff employed on the work charged establishment under Government Resolution, Public Works Department, No. 4888/36, dated 22nd January 1942, service paid for from contingencies and service on work-charged establishments constitute a break in service for the purpose of these rules.

2-A. These rules apply to the Nursing Establishments of the Cama and Albless Hospitals and the Jaffar Suleman Dispensary, Bombay, with effect from 1st April 1931, the date on which the establishments were transferred to Government service. In respect of any service rendered prior to 1st April 1931, a nurse shall be credited with earned leave at 1/11th of the period spent on duty from the expiry of the leave previously taken, or, if no leave was taken, from the date of original appointment, subject to a maximum of thirty days.

2-B.—These rules apply, with effect from the date of their entry into service, to those members of the staff of the Official Assignee, Bombay, who entered service on or after the 4th August 1931 and who have been transferred to Government service from the 27th October 1933.

* These rules were made in 1935 in virtue of the powers exercised under Civil Services (Classification, Control and Appeal) Rules. They have now been treated as Rules framed under section 241(2) (b) of the Act and are incorporated in the Bombay Civil Services Rules Manual.

† In the case of Government servants subject to the “Revised Leave Rules, 1935”, leave accounts need not be maintained, the particulars entered in Service Book or Histories of Services or other records of service being sufficient for the calculation of the amount of leave admissible at any time.

Page 278, Appendix XLIV-A—

Substitute the words “ Class III services ” *for* the words “ Subordinate services ” occurring in line 2 of the *Exception* 2 to Rule 2 and “ class III service ” *for* the words “ subordinate service ” in rule 12 (b) in this Appendix.

(G.R., 5P. & S.D., 1586/34, dated 19th May 1948.)

[Correction No. 116, Financial Publication No. V, 3rd Edition
(Reprint), Volume II, dated 20th January 1950.]

Page 279, Appendix XLIV-A—

For rule 4, the following shall be substituted, namely :—

“ 4. In these rules—

(i) ‘ Leave ’ includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave ;

(ii) ‘ earned leave ’ means leave earned in respect of periods spent on duty ;

(iii) ‘ half pay leave ’ means leave earned in respect of completed years of service ;

(iv) ‘ earned leave due ’ means the amount of earned leave to the credit of a Government servant on the 31st January 1949 under the rules in force on that date plus the amount of earned leave,

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calculated as prescribed in rule 8, rule 9, or rule 11, as the case may be, diminished by the amount of earned leave taken after the 31st January 1949 ;

(v) ‘ half pay leave due ’ means the amount of half pay leave, calculated as prescribed in rule 10 for the entire service, diminished by the amount of leave on private affairs and leave on medical certificate taken before 1st February 1949 and half pay leave taken on or after that date ;

(vi) ‘ commuted leave ’ means leave taken under sub-rule (c) of rule 10 ;

(vii) ‘ Government servant in permanent employ ’ means a Government servant who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended ;

Note.—A Government servant appointed in a provisionally substantive capacity to a permanent post should, while holding the post in such capacity, be regarded as a Government servant in permanent employ.

(viii) ‘ first ten/twenty years of service ’ ‘ next ten years of service ’, ‘ completed year of service ’ or ‘ one year’s continuous service ’ means continuous service of the specified duration under the Government of Bombay and includes periods spent on duty as well on leave including extraordinary leave.”

These amendments shall be deemed to have come into force on 1st February 1949.

(G. N., 6567/33-X, dated 15th December 1950).

2-C. These rules apply, with effect from 1st November 1942, to the daily paid workers at the Government Central Distillery, Nasik Road, subject to the conditions specified below :—

(1) For purposes of calculating leave.

(a) Sundays and authorised holidays should be treated as days on duty even though no wages are received by the workers for them.

(b) Off days either due to authorised absence from duty or to involuntary unemployment for want of work, should not be deemed interruption in service.

(2) The maximum period of off days, referred to in (1) (b) above, should be not more than 30 days in a calendar year.

(3) Unauthorised absence should in all cases have the effect of forfeiting past service for purposes of claiming leave.

(4) If any worker has been on duty for a continuous period of one year immediately before 1st November 1942, he should be credited with earned leave.

(5) The daily paid workers should be exempted, as a special case, from the operation of the condition that the grant of leave is not to involve additional expense to Government.

These rules replace in respect of those persons to whom they are applicable, corresponding leave rules in the Bombay Civil Services Rules Manual. All other rules regulating leave and leave procedure contained in the Bombay Civil Services Rules Manual, as amended from time to time, shall in so far as they are not inconsistent with, or repugnant in subject or context to these rules, remain operative in the case of all persons to whom these rules apply.

In these rules— *56/180*

“leave” includes earned leave, leave on private affairs, leave on medical certificate and extraordinary leave ;

“earned leave” means leave earned in respect of periods spent on duty ;

“earned leave due” means the amount of earned leave, calculated as prescribed in rule 8 or rule 9, diminished by the amount of earned leave taken ;

“Government servant in permanent employ” means a Government servant who holds substantively a permanent post or who holds a lien on permanent post or who would hold a lien on a permanent post had the lien not been suspended.

e.—A Government servant appointed in a provisionally substantive capacity to a permanent post, while holding the post in such capacity, be regarded as an officer in permanent employ.

Any kind of leave under these rules may be granted in combination with or continuation of any other kind of leave.

No leave shall be granted beyond the date on which a Government servant compulsorily retire :

Provided that the authority empowered to grant leave may allow any Government servant who has been denied in whole or in part on account of exigencies of the public service the earned leave which was due to him on retiring, the whole or any portion of the earned leave so denied even though it extends to a date beyond the date on which such Government servant compulsorily retire :

Provided further that a Government servant whose service has been extended in the interest of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or, if the conditions of the preceding proviso are satisfied, after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired at that date and in addition any earned leave due in respect of such extension. In determining the amount of earned leave due in respect of the extension, reference to rule 8, the earned leave, if any, admissible on the date of compulsory retirement shall be taken into account.

7. Subject to the provisions of rule 6, a Government servant may, at any time, be granted the whole or any part of the earned leave due to him.

8. The earned leave admissible to a Government servant in permanent employment is,

See F.O. Notification No LVE-2356-X of 13-10-56
(a) to a Government servant in superior service—one-eleventh, and

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(b) to a Government servant in inferior service—one-twenty-second, of the period spent on duty :

Provided that when the earned leave due to a Government servant amounts to 90 days if he is in superior service or to 30 days if he is in inferior service, he shall cease to earn such leave :

Provided further that, in the case of a Government servant who is of non-Asian domicile the limit of 90 days shall be raised to 120 days, if he intends to spend or does actually spend at least 60 days of a period of earned leave outside Asia.

Instruction 1.—The earned leave admissible to a Government servant, promoted from inferior to superior service, should be calculated separately at the prescribed rates in respect of the two kinds of service and the maximum prescribed for each kind of service should be separately applied. The leave so worked out should then be added together and the total subjected to the maximum prescribed for Government servants in superior service under revised leave rule 8 or 9 as the case may be.

Instruction 2.—In calculating "earned leave" the actual number of days of duty performed should first be counted and then multiplied by one-eleventh or one-twenty second as the case may be, the product expressed in days (and fractions of a day) and limited to 90 days or 30 days respectively being the "earned leave" admissible under Rules 8 and 9, as the case may be.

Instruction 3.—In calculating the amount of earned leave due, fractions should not be rounded off. If after earned leave is granted the balance of earned leave that remains at credit is a fraction of a day or includes a fraction of a day, such fraction should be carried over for the calculation of earned leave due when the Government servant again applies for earned leave.

9. (a) The earned leave admissible to a Government servant not in permanent employment is, when he is in superior service, one-twenty-second of the period spent on duty, provided that when the earned leave due amounts to 30 days he shall cease to earn such leave.

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(b) A Government servant in inferior service not in permanent employment may be allowed earned leave admissible to a Government servant in inferior service in permanent employment provided that the grant of leave involves no expense to Government.

10. A Government servant not in permanent employment appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been

Page 280, Appendix XLIV-A Rule 6.

Substitute the following for the second proviso to this rule:-

"Provided further that an officer whose services has been extended in the interest of the public service beyond the date of his compulsory retirement may similarly be granted, either within the period of extension or after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired on that date less the leave, if any, taken during the period of extension and in addition such earned leave due in respect of the extension as had been denied to him on account of the exigencies of the public service. In determining the amount of earned leave due in respect of the extension with reference to rule 8, the earned leave, ~~if~~ if any, admissible on the date of compulsory retirement shall be taken into account."

(G.R.F.D.No.2706 dated 4th December 1953.)

Page 280, Appendix XLIV-A—

Insert the following *Explanation* below rule 6 in this Appendix:—

“*Explanation.*—For the purpose of this rule a Government servant may be deemed to have been denied leave only if, in sufficient time before the date on which he must compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave and been refused it on the ground of exigencies of public service or has ascertained in writing from the sanctioning authority that leave if applied for, would not be granted on the aforesaid grounds.”

(G. R., 2706, dated 31st August 1950).

[Correction No. 181, Financial Publication No. V, 3rd Edition
(Reprint), Volume II, dated 28th February 1951.]

No. 182

Pages 280-282, rules 8 to 15, Appendix XLIV-A—

For rules 8 to 15, the following shall be substituted, namely:—

“8. The earned leave admissible to a Government servant in permanent employ is:—

(a) to a Government servant in Provincial or Class III Service—
One-eleventh of the period spent on duty;

(b) to a Government servant in Class IV Service—

(1) One-twenty-second of the period spent on duty during the first ten years of service;

(2) One-sixteenth of the period spent on duty during the next ten years of service; and

(3) One-eleventh of the period spent on duty thereafter.

Provided that a Government servant will cease to earn such leave when the earned leave due amounts to—

(i) 120 days in the case of a Government servant in Provincial or Class III Service;

(ii) in the case of a Government servant in Class IV Service—

(1) 60 days during the first ten years of service;

(2) 90 days during the next ten years of service; and

(3) 120 days thereafter.

Provided further that when the earned leave due amounts to 120 days, a Government servant in Provincial Service may be permitted to earn such leave for a further period not exceeding 60 days subject to the condition that the earned leave for such further period shall be availed of when having exhausted his normal credit of earned leave, he spends such leave elsewhere than in India (including foreign possessions in India), Pakistan, Ceylon, Nepal, Burma, or Aden.

Exception.—The earned leave admissible to a Government servant of non-Asiatic domicile in Provincial or Class III Service, who is in permanent employ, is one-seventh of the period spent on duty, and he ceases to earn such leave when the earned leave due to him amounts to 150 days.

Instruction 1.—The earned leave admissible to a Government servant, promoted from Class IV to Class III Service should be calculated separately at the prescribed rates in respect of the two kinds of service and the maximum prescribed for each kind of service should be separately applied. The leave so worked out should then be added together and the total subjected to the maximum prescribed for Government servants in Class III Service under rule 8 or 11 as the case may be.

Instruction 2.—In calculating ‘earned leave’ the actual number of days of duty performed should first be counted and then multiplied by

one-eleventh, one-sixteenth etc. as the case may be, the product expressed in days (and fractions of a day) and limited to 120 days or 60 days or 90 days etc. being the 'earned leave' admissible under rules 8 and 11, as the case may be.

Instruction 3.—In calculating the amount of earned leave due, fractions should not be rounded off. If after earned leave is granted the balance of earned leave that remains at credit is a fraction of a day or includes a fraction of a day, such fraction should be carried over for the calculation of earned leave due when the Government servant again applied for earned leave.

9. (a) Earned leave is not admissible to a Government servant in permanent employ serving in a vacation department in respect of duty performed in any year in which he has not been prevented from availing himself of the full vacation.

(b) The earned leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation :—

(i) to a Government servant in Provincial or Class III Service—30 days;

(ii) to a Government servant in Class IV Service—

(1) 15 days during the first ten years of service;

(2) 20 days during the next ten years of service; and

(3) 30 days thereafter; and

(iii) to a Government servant mentioned in exception to rule 8—45 days.

If in any year a Government servant does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of rule 8.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the limits laid down in the first proviso to rule 8, or the exception thereto, as the case may be :

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 180 days.

Note.—A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required by the general or special order of the Head of the Department to remain on duty at headquarters during such vacation or portion of a vacation.

10. (a) The half pay leave admissible to a Government servant in permanent employ in respect of each completed year of service is—

(i) in the case of a Government servant in Provincial or Class III Service—20 days ;

(ii) in the case of a Government servant in Class IV Service—

- (1) 15 days during the first twenty years of service ; and
- (2) 20 days thereafter.

Note.—If service during any completed year of service was rendered partly in a Class III post and partly in a Class IV post the half pay leave should be calculated on a *pro rata* basis separately in respect of the Class III Service and Class IV Service and then added up. The fraction, if any, present in the total half pay leave for the particular year should be ignored if it is less than half, or reckoned as one day if it is half or more.

(b) The half pay leave due may be granted to a Government servant on medical certificate or on private affairs.

(c) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate only to a Government servant in permanent employ subject to the following conditions :—

- (i) Commuted leave during the entire service shall be limited to a maximum of 180 days ;
- (ii) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due ;
- (iii) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 180 days :

Provided that no commuted leave may be granted under this rule, unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry.

(d) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ on medical certificate for a period not exceeding 180 days, during his entire service. Such leave will be debited against the half pay leave the Government servant may earn subsequently.

Note.—Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the Government servant returning to duty on the expiry of the leave and it should be limited to the half pay leave he is likely to earn thereafter.

11. The provisions of rules 8, 9 and 10 apply also to a Government servant not in permanent employ except that in respect of the first year of service the earned leave admissible is—

- (i) to a Government servant in Provincial or Class III Service— one twenty-second of the period spent on duty ;
- (ii) to a Government servant in Class IV Service—one-thirteenth of the period spent on duty :

Provided that no earned leave shall be admissible to such a Government servant in a vacation department in respect of the first year of his service ;

Provided further that in the case of such Government servants—

- (a) no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry; and
- (b) no leave not due shall be granted.

Note.—It is permissible to grant earned leave to a temporary Government servant in Class IV Service even if it involves extra cost to Government.

12. A Government servant not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been duty as a Government servant in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this rule.

Note.—A Government servant subject to these rules cannot as a matter of right claim commutation with retrospective effect of one kind of leave into leave of a different kind due and admissible, but such commutation may be sanctioned by Government at their discretion. The commutation of extraordinary leave taken during temporary service when no other leave was due into earned leave or confirmation without interruption of service by giving retrospective effect to the benefit of rule 12 would be irregular. The real intention of rule 12 of the Revised Leave Rules is to provide only for a retrospective recalculation of the leave at credit on the date of confirmation with a reduction on account of the earned leave already taken.

13. (1) Extraordinary leave may be granted to any Government servant in special circumstances—

- (a) when no other leave is by rule admissible; or
- (b) when other leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(2) Except in the case of a Government servant in permanent employ the duration of extraordinary leave shall not exceed three months on any one occasion.

(3) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

14. (1) A Government servant on earned leave is entitled to leave salary equal to greater of the amounts specified below :—

- (i) the substantive pay on the day before the leave commences, or
- (ii) (a) in respect of the first 60 days of the earned leave, the average monthly pay earned during the 12 complete months preceding the month in which the leave commences; and
- (b) thereafter the average monthly pay earned during the 36 complete months preceding the month in which the leave commences.

(2) A Government servant on half pay leave or on leave not due is entitled to leave salary equal to half the substantive pay or half the amount specified in clause (ii) (b) of sub-rule (1), whichever amount is greater, subject in either case to a maximum of Rs. 750 per mensem.

(3) A Government servant on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (2).

(4) A Government servant on extraordinary leave is not entitled to any leave salary.

Explanation.—For the purpose of this rule ‘substantive pay means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended.’

These amendments shall be deemed to have come into force on the 1st February 1949.

(G. N., No. 6567/33-X, dated 15th December 1950.)

[Correction No. 182, Financial Publication No. V, 3rd Edition
(Reprint), Volume II, dated 28th February 1951.]

duty as a Government servant in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this rule.

Note.—A Government servant subject to these rules cannot as a matter of right claim commutation with retrospective effect of one kind of leave into leave of a different kind due and admissible but such commutation may be sanctioned by Government at their discretion. The commutation of extraordinary leave taken during temporary service when no other leave was due into earned leave on confirmation without interruption of service by giving retrospective effect to the benefit of rule 10 would be irregular. The real intention of rule 10 of the Revised Leave Rules is to provide only for retrospective recalculation of the leave at credit on the date of confirmation with a reduction on account of the earned leave already taken.

11. (a) Earned leave is not admissible to a Government servant in permanent employ serving in a vacation department in respect of duty performed in any year in which he has not been prevented from availing himself of the full vacation.

(b) The earned leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of 30 days earned leave if he is in superior service, or of 15 days earned leave if he is in inferior service, as the number of days of vacation not taken bears to the full vacation.

The total of earned leave due to a Government servant in a vacation department subject to the maxima specified in rule 8.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the limit up to which leave may be accumulated by the Government servant concerned under rule 8.

(d) Earned leave is not admissible to a Government servant serving in a vacation department who is not in permanent employ.

Note.—A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required by the general or special order of the Head of the Department to remain on duty at headquarters during such vacation or portion of a vacation.

12. Leave on private affairs may be granted to a Government servant in permanent employ in superior service and to the following extent, namely :—

(1) (a) if belonging to a provincial service for twelve months in all, and on any one occasion for not more than three months if spent wholly in Asia or for not more than nine months if spent wholly outside Asia ; if the leave is spent partly in and partly outside Asia, the leave taken on any one occasion shall not exceed three months together with such time as may be actually spent outside Asia, subject to a maximum total period of nine months ;

(b) if belonging to a ~~subordinate~~ ^{cl. III Sd. 116.} service for six months in all and up to a maximum of three months at any one time ;

(2) in the case of those who enter permanent Government service at an advanced age the total amount of leave on private affairs which may be taken in the course of the Government servant's service shall be reduced by one-sixth for every completed five years that his age at the time of first appointment exceeds 25 years.

13. (1) Leave on medical certificate not exceeding twelve months in all during a Government servant's service may be granted to a Government servant in permanent employ. Such leave shall be given only on production of a certificate

from such medical authority as Government may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority.

Provided that when the maximum period of twelve months is exhausted further leave on medical certificate not exceeding six months in all may be granted in exceptional cases on the recommendations of a medical board ;

(2) In the case of those who enter permanent Government service at an advanced age the total amount of leave on medical certificate which may be taken in the course of the Government servant's service shall be reduced by one-sixth for every completed five years that his age at the time of his first appointment exceeds 25 years.

Note.—Temporary Government servants are eligible for leave on medical certificate up to a period of 30 days for every completed period of three years of service provided that in the case of Government servants in inferior service the grant of such leave involves no extra cost to Government.

14. (1) Extraordinary leave may be granted to any Government servant in special circumstances—

(a) when no other leave is by rule admissible, or

(b) when other leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(2) Except in the case of a Government servant in permanent employ the duration of extraordinary leave shall not exceed three months on any one occasion.

(3) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

15. (1) A Government servant on earned leave is entitled—

(a) if in permanent employ to leave salary equal to his average pay, or to his average substantive pay for the 12 complete months preceding the month in which leave is taken, whichever is greater,

(b) If not in permanent employ to leave salary equal to

(i) his average pay, or

(ii) his pay on the day before the leave commences, whichever is less.

(2) A Government servant on leave on private affairs or leave on medical certificate is entitled to leave salary equal to half his average pay or to half his average substantive pay for the 12 complete months preceding the month in which leave is taken, whichever is greater, subject in either case to a maximum of Rs. 750.

(3) A Government servant on extraordinary leave is not entitled to any leave salary.

Note.—The average substantive pay referred to in this rule is to be calculated on the basis of the permanent service rendered during the 12 complete months immediately preceding the month in which leave is taken and in the manner indicated in Note 1 below clause (6) of Bombay Civil Services Rule 9. If the period of permanent service be less than 12 months, the actual period of such service should be taken into account.

Explanation.—For the purposes of this rule, average pay means the average monthly pay earned during the 36 complete months preceding the month in which the event occurs which necessitates the calculation of average pay, and substantive pay means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended.

Page 283, Appendix XLIV-A, Annexure—

(a) In Instruction 1. (a) *Substitute* “ 120, 60 or 90 days ” for “ 90 or 30 days ”.

(b) In Instruction 2(i) *Substitute* “ 120, 60 or 90 days as the case may be ” for the figures and words “ 90 or 30 days as the case may be ”.

(c) In Instruction 2(1) in line 5 *substitute* “ Rule 14 ” for “ Rule 15 ”.

(d) In Instruction 2(ii) *substitute* “ rule 14(2) ” for “ Rule 15(2) ” and *substitute* “ earned leave not exceeding 120 days ” for “ earned leave not exceeding 90 days ”.

(G. N., F. D., No. 6567/33/26540-X, dated 18th December 1950).

[Correction No. 183, Financial Publication No. V, 3rd Edition
(Reprint), Volume II, dated 28th February 1951.]

ANNEXURE.

Instruction 1.—Following orders explain some of the difficulties which may arise in the application of certain rules in the Bombay Civil Services Rules Manual to persons governed by the revised leave rules :—

(a) Leave on average pay not exceeding four months shall be taken to mean earned leave not exceeding 90 or 30 days as the case may be. *56/4 183.*

(b) In recalculating the leave-due or admissible, with retrospective effect, under the revised leave rules, the leave already taken or sanctioned under the Bombay Civil Services Rules shall be accounted as follows :—

(i) Leave on average pay, whether taken with or without medical certificate, against “earned leave”;

(ii) Leave on half average pay without medical certificate against “leave on private affairs”;

(iii) Leave on half average pay on medical certificate against “leave on medical certificate”.

In cases in which leave under the Bombay Civil Services Rules has already been enjoyed or is enjoyed before the promulgation of the revised leave rules, and the leave or leave salary taken or sanctioned exceeds that admissible under the revised leave rules, the excess of leave or leave salary may be treated as authorised.

(c) It will not be permissible under the revised leave rules to take leave on half pay and count it as half the period against earned leave on full pay.

(d) The leave rules in the Bombay Civil Services Rules Manual fall under the following three categories :—

(1) general rules relating to leave on average pay, half average pay, quarter average pay and extraordinary leave;

(2) rules permitting certain additional kinds of leave in special circumstances, e.g., special disability leave, study leave, maternity leave, hospital leave, seamen's sick leave;

(3) special rules regulating the grant of leave to persons belonging to a special department or rendering a special kind of service, e.g., leave admissible to salaried industrial employees in Government Presses, leave to military officers in civil employ, leave to probationers and apprentices, leave earned by part-time service, leave to Secretariat typists, leave earned by service remunerated by fees or daily wages and leave to officers engaged on contract, etc.

The rules in group (1) are the “corresponding leave rules” within the meaning of Rule 3 of the Revised Leave Rules, 1935. The rules in group (2) as well as the leave procedure rules contained in the Bombay Civil Services Rules Manual, the rules prescribing the maxima and minima rates of leave salary for leave on average pay and on half average pay and rules relating to travelling allowance to Government servants taking short leave before joining a new post are “other rules” mentioned in Rule 3 of the Revised Leave Rules, 1935. The special rules referred to in group (3) above remain in force and persons governed by them do not come under the Revised Leave Rules, 1935.

Instruction 2.—Additional kinds of leave which are granted in special circumstances and which are referred to in group (2) in clause (d) of Instruction (1) will be admissible to Government servants to whom the Revised Leave Rules, 1935, apply, subject to the conditions mentioned below :—

(i) *Special disability leave—Rules 748, 749 and 750.*—The limit of 4 months laid down in sub-clause (a) of clause (7) of Rule 748 may be taken to mean “90 or 30 days as the case may be” and the term “period of average pay” occurring in sub-clause (b) of clause (7) of this rule may be taken to mean “earned leave”. Half the amount of leave on average pay under this sub-clause will be counted as earned leave taken and leave salary during special disability leave will be regulated under rule 15 of the revised leave rules.

The term “four months” in clause (iii) of Rule 749 may be taken to mean “90 or 30 days as the case may be.”

The concession in Rule 750 will not be admissible to persons governed by the revised leave rules.

(ii) *Study Leave—Rule 751 and study leave rules framed thereunder in Appendix L.*—The study leave rules will remain in force subject to the following changes :—

During study leave, a Government servant will be entitled to the same leave salary as that admissible under rule 15(2) of the revised leave rules.

“Leave on average pay” occurring for the second time in rule 13 of the study leave rules may be taken to mean “earned leave” under the revised leave rules and the term “during the first four months of a period of leave on average pay” shown within brackets in this rule may be taken to mean “earned leave not exceeding 90 days”.

(iii) *Study leave to Military Assistant Surgeons of the Indian Medical Department in Civil employ—Rule 751-A.*—No change is necessary in the existing rule.

(iv) *Maternity Leave or Hospital Leave—Rules 771 and 774.*—Maternity or hospital leave will not be taken into account in calculating the leave otherwise admissible under the Revised Leave Rules, 1935.

56/184 (v) (a) *Maternity Leave—Rule 771.*—During maternity leave, a Government servant will be entitled to the same leave salary as that admissible under rule 75(1) of the Revised Leave Rules, 1935.

(b) *Maternity Leave—Rule 773.*—This rule provides that leave of any kind may be granted in continuation of maternity leave, if the request for its grant is supported by medical certificate. Similarly under the revised leave rules, the requirement of a medical certificate should be satisfied before leave is granted in continuation of maternity leave.

(vi) *Hospital Leave—Rules 775, 776 and 777.*—In Rule 775, the leave salary during hospital leave is either average or half average pay, the average pay being determined in accordance with Rule 96). In the revised leave rules, average pay has been defined differently and leave salary is based on average pay or the average substantive pay whichever is greater. The amount of leave salary during hospital leave granted to "new entrants" will be regulated by clause (1) or (2) of rule 15 of the Revised Leave Rules, 1935, according as such leave is on average pay or on half average pay. The other rule will not present any difficulty and may continue to apply.

(vii) *Seamen's Sick Leave—Rules 779 and 780.*—The amount of leave salary should be regulated by rule 15(1) of the Revised Leave Rules, 1935.

Instruction 3.—The special rules regulating the grant of leave to Government servants belonging to a special department or rendering a special kind of service, which are referred to in group (3) of clause (d) of Instruction (1), will be modified as shown below in their application to Government servants answering to the descriptions in clause (i) or (ii) of Rule 2 of the Revised Leave Rules, 1935 :—

(i) *Leave to Military officers in civil employ who remain subject to military leave rules—Rule 768.*—The limit of four months in clause (i) of the rule should be interpreted to mean "earned leave not exceeding 90 days" inclusive of the privilege leave which was due to the officer on the date on which he became subject to Rule 768. The proviso to rule 8 of the revised leave rules will apply.

(ii) *Leave to probationers and apprentices—Rules 809, 809-A and 810.*—The revised leave rules do not make any provision for the grant of leave to probationers and apprentices and Rules 809, 809-A and 810 will, therefore, remain in force but Rules 752 mentioned in Rule 810 will be taken to mean "Rule 14 of the revised leave rules".

(iii) *Leave to Law Officers in permanent service of Government—Bombay Civil Services Rule 767 (2nd Edition).*—The Revised Leave Rules, 1935, will apply to law officers mentioned in the rule whose domicile is Asiatic or who, if their domicile is non-Asiatic, have not been specially recruited overseas for service in India. If such officers are recruited overseas specially for service in India, they will be subject to the leave terms in Appendix LI to the Bombay Civil Services Rules Manual.

(iv) *Rule 782-A.*—The leave of a pensioner, who having retired on superannuation or retiring pension, re-employed on or after 4th August 1931 will be regulated by Rule 9 of the Revised Leave Rules, 1935.

(v) *Rule 784.*—The words "the leave account maintained under Rule 732(b)" occurring in this rule will be interpreted to mean "sanctioning leave under the Revised Leave Rules, 1935".

(vi) *Rule 786.*—The words "leave on average pay" occurring in this rule will be interpreted to mean "earned leave".

(vii) *Rule 789.*—The words "leave on average pay" occurring in this rule will be interpreted to mean "earned leave" subject to the proviso in Rule 8 of the Revised Leave Rules, 1935.

(viii) *Rules 804 and 804-A.*—The leave and allowances permissible under these rules will be subject to Revised Leave Rules 8, 9, 14 and 15.

(ix) *Rules 806, 807 and 808.*—Probationers or apprentices referred to in Rule 806, if engaged on contract, will be governed by the leave terms admissible to officers of corresponding category engaged on contract.

Instruction 4.—The following instructions should be observed in regard to the other rules in the Bombay Civil Services Rules mentioned below :—

(i) *Rule 338 (a) and (b) and Rule 348.*—Leave on average pay not exceeding four months, which shall be taken to mean earned leave not exceeding 90 or 30 days as the case may be [vide Instruction 1(a)], will not cover the limit of four months laid down in clause (a) of Rule 338, since the leave, mentioned therein is not leave on average pay not exceeding four months but leave for a period not exceeding four months, which may not necessarily be leave on average pay for a period not exceeding four months. The limit of four months laid down in this rule is based on the maximum limit of leave

Page 284, Appendix XLIV-A, Annexure—

- (a) In "Instruction 2(v) (a)", substitute "rule 14(1)" for "rule 15 (i)".
- (b) In "Instruction 2(vi)", substitute "rule 14" for "rule 15".
- (c) In "Instruction 2(vii)", substitute "rule 14(1)" for "rule 15(1)".
- (d) In "Instruction 3(i)", substitute "120 days" for "90 days".
- (e) In "Instruction 3 (ii)", substitute "rule 13" for "rule 14".
- (f) In "Instruction 3(iv)", substitute "rule 11" for "rule 9".
- (g) In "Instruction 3 (viii)", substitute "8, 11, 13 and 14" for "8, 9, 14 and 15".
- (h) In "Instruction 4(i)", substitute, "120, 60 or 90 days" for "90 or 30 days".

(G. N., F. D., No. 6567/33/26540-X, dated 18th December 1950).

[Correction No. 184, Financial Publication No. V, 3rd Edition
(Reprint), Volume II, dated 28th February 1951.]

Page 285, Appendix XLIV-A, Annexure—

(a) In lines 2 and 5 on this page *substitute* “ 120, 60 or 90 days ” for “ 90 or 30 days ”.

(b) In “ Instruction 4(ii) ”, *substitute* “ 120, 60 or 90 days ” for “ 90 or 30 days ”.

(c) In “ Instruction 4(iii) ”, *substitute* “ 120, 60 or 90 days ” for “ 90 or 30 days ”.

(d) In “ Instruction 4(v) ”, *substitute* “ 120, 60 or 90 days ” for “ 90 or 30 days ”.

(e) In “ Instruction 4(vi) ”, *substitute* “ 120, 60 or 90 days ” for “ 90 or 60 days ”.

(f) In “ Instruction 5 ”, *substitute* “ rule 9(b) ” for “ rule 11 (b) ”

(G. N., F. D., No. 6567/33/26540-X, dated 18th December 1950).

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on average pay which can be taken under the ordinary leave rules in Bombay Civil Services Rules. Earned leave under the Revised Leave Rules is subject to the maximum of 90 or 30 days and this limit should be substituted for the limit of four months in applying the rule mentioned to persons governed by the revised leave rules. Similarly the limit of four months prescribed in Rules 338(b) and 348 may also be changed to 90 or 30 days as the case may be.

(ii) *Rules 503, 504 and 505.*—The term “leave on average pay not exceeding four months” occurring in these rules may be taken to mean “earned leave not exceeding 90 or 30 days as the case may be”.

(iii) *Rules 653 and 658.*—The limit of four months mentioned in these rules may be changed to 90 or 30 days as the case may be.

(iv) *Rules 759 and 760.*—Under the Revised Leave Rules, 1935, a maximum limit has been imposed only in regard to leave salary drawn during leave on private affairs or on medical certificate. It has been considered unnecessary to impose any maximum limit in regard to leave salary drawn during earned leave or to give the benefit of a minimum leave salary in regard to any kind of leave.

(v) *Rule 79(b) and Rules 80 and 91.*—The term “leave on average pay of not more than four months duration” in these rules may be taken to mean “earned leave not exceeding 90 or 30 days as the case may be”.

(vi) *Rule 79(c) and 86.*—The term “four months” mentioned in these rules may be taken to mean “90 or 30 days as the case may be”.

(vii) *Rule 146.*—The words “Chapters I to V and VIII to XVIII” in this rule may be taken to mean “Chapters I to V, VIII to XIV, and XVI to XVIII of these rules and the Revised Leave Rules, 1935”.

(viii) *Rule 645.*—In the case of a Government servant governed by the Revised Leave Rules, 1935, who remains absent after the end of his leave, the period of such overstayal of leave should unless leave is extended by the competent authority, be treated as follows :—

(a) If the officer is in superior service—

(i) as leave on private affairs to the extent such leave is due, unless the overstayal is supported by a medical certificate.

(ii) as leave on Medical certificate to the extent such leave is due, if the overstayal is supported by a medical certificate.

(iii) as extraordinary leave to the extent the period of leave due on private affairs and/or on medical certificate falls short of the period of overstayal.

(b) If the officer is in ^{cl. IV} inferior service as in (a) (i) and (iii) above *mutatis mutandis*.

The Government servant is not entitled to leave salary during such overstayal of leave not covered by an extension of leave by the competent authority. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Rule 22. The words “competent authority” are used in the same sense as in Rule 645.

INSTRUCTION 5.

The term ‘any year’ used in rule 11(b) of the Revised Leave Rules should be interpreted in accordance with the principle laid down in Note 4 to Bombay Civil Services Rule 747. The following illustration shows how earned leave should be regulated. A vacation department officer was prevented from enjoying 21 days (i.e., from 11th May 1938 to 31st May 1938) out of 42 days of the vacation from 20th April 1938 to 31st May 1938. He returned from last leave on 15th March 1938 and applied for earned leave with effect from 17th October 1938 in lieu of vacation not enjoyed. As the officer has rendered duty only for 216 days (15th March 1938 to 16th October 1938) after returning from his last leave the earned leave admissible to him is eight days as calculated below :—

Days of earned
leave.

$$21 \times \frac{216}{365} \times \frac{30}{1} = 8 \frac{64}{73}$$